

Application SN: 10/840,059
Amendment Dated: April 16, 2008
Reply to Office Action of: January 25, 2008

REMARKS

This is response to the Office Action dated January 25, 2008.

Claims 1 through 12 were originally presented for examination. Applicant affirms the election of invention I as Claims 1 - 8 and 12.

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INTERVIEW SUMMARY

The interview was a telephonic interview on January 16, 2008. The Examiner required restriction under 35 U.S.C. §121 to one of the following inventions:

- I. Claims 1 through 8 and 11 and 12 drawn to a stabilizer system classified in class 52, subclass 155;
- II. Claims 9 and 10 drawn to a method of anchoring a portable structure classified in class 52, subclass 741.1.

During the telephonic interview, the undersigned attorney elected to prosecute the invention of Invention I, Claims 1 through 8 and 11 and 12. This election is affirmed.

CLAIM REJECTIONS

Turning now to the substantive issues, the rejection under 35 U.S.C. 112 is noted. The claims, as presented herewith, have been amended and are believed to obviate this ground of rejection.

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Claims 1 to 5 and 11 and 12 have been rejected under 35 U.S.C. §102(b) as being anticipated by O'Neal, U.S. Patent No. 6,360,571.

U.S. Patent No. 6,360,571 to O'Neal relates to locks, and more particularly to a lock assembly for securing wheeled vehicles such as motorcycles, trucks, trailers and bicycles. According to the patent, as shown in Figures 1 and 2, the lock assembly includes a housing 10 and a shackle 14. The shackle has legs with a plurality of apertures. The lock housing has an open interior and at least one opening for receiving the engagement portion of the shackle. An elongated lock member 60 is dimensioned to fit within the open interior of the lock housing in engagement with the engagement portion of the shackle. A lock 70 is secured to the end of the elongated portion 62 of the lock. The lock member 60 and lock 70 are protected within the lock housing 10 in order to prevent tampering and manipulation. In use, the shackle extends through an opening in a vehicle wheel around the spring frame. The shackle legs extend through the lock housing secured by lock rod 60 and lock 70.

The Applicant's invention is a stabilizer designed to secure temporary buildings, such as portable toilets, to existing structures, such as utility poles, fencing or to the ground surface on which the structure is located. In one embodiment, the system includes an anchor which is generally U-shaped having a pair of spaced-apart legs connected at a bight section. The anchor is generally

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flat so it can lie on the ground surface adjacent the building. The opposite ends of each of the legs define transversely extending bores which receive an elongated rod. In use, the U-shaped anchor is placed around or attached to the securement member and extended beneath the portable building with the U-shaped end projecting outwardly of the building. Conventional construction is to support portable buildings on a pair of spaced-apart base members which form a part of the building below the floor. To install the unit, the installer will drill holes in the existing base members located on the bottom of the unit and align the drilled holes with a selected pair of bores in the legs of the U-shaped member.

5 The elongate rod, which is of sufficient length to extend between the base member, can then be extended through the bores in the legs of the U-shaped member as well as through the structural members as best seen in Figure 3 of the drawings. One end of the rod has an enlarged head and the opposite end is threaded to receive a fastener such as a nut. The stabilizer is then secured in
10 place by tightening the nut. The U-shaped member is placed around an existing structure such as a utility pole or may be secured to the ground using ground stakes. This embodiment is shown in Figure 3, which is reproduced below.

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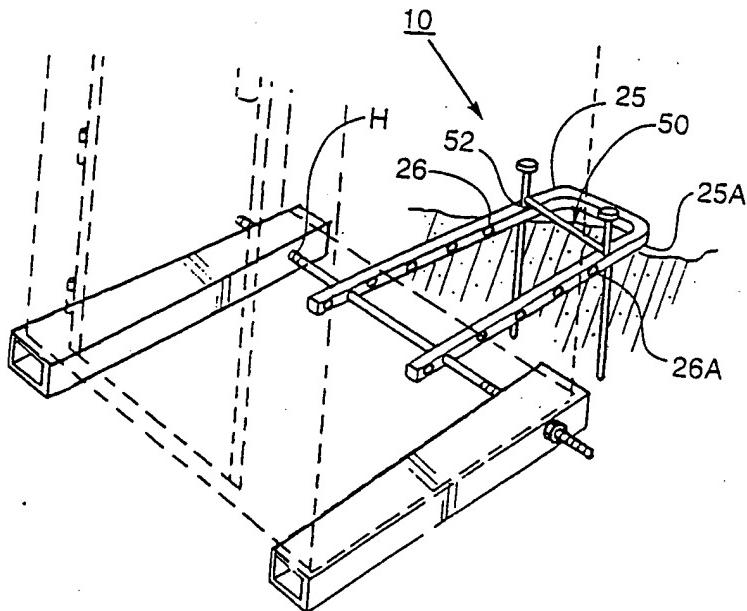


FIG. 3.

10 In another embodiment of Applicant's invention, as shown in Figure 7, the
stabilizer system comprises a frame having dimensions larger than the footprint
of the building. The large frame extends entirely around the building and is
attached to a lower base or structural members on which the building rests by
means of an elongate rod extending through holes in the base and through
opposite holes in the frame. The rod is then secured by tightening the rod in
place and inserting ground stakes into the frame and into the ground beneath the
frame at suitable locations. This embodiment is shown in Figure 7, which is
reproduced below.

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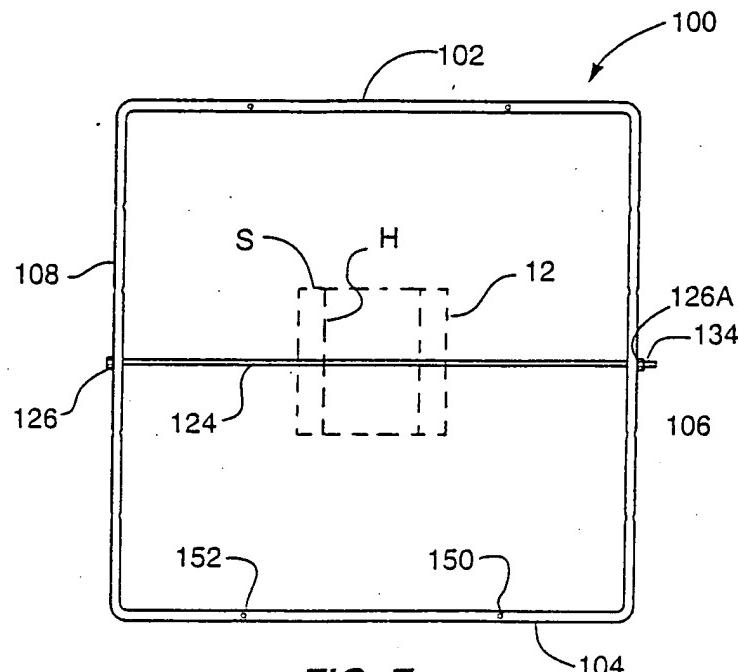


FIG. 7.

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Independent Claims 1 and 11 have been rewritten as new Claims 13 and 14 to more particularly point out and amplify the unique features of Applicant's invention. The Applicant's invention, while at first blush, bears some similarity to that shown in the '571 patent to O'Neal, substantial differences exist.

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First of all, as mentioned above, the lock of the '571 patent is for use in a specific environment for securing wheeled vehicles as shown in Figure 2 of the patent. Securement is achieved by extending the shackle through or around the item to be locked such as a vehicle wheel having a plurality of openings. A frame 114 mounts to spring 120 through a suitable structure. The shackle is secured to the wheel so that rotation of the tire is impossible. The legs of the

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shackle are positioned through the openings in the wheel. The lock member is placed through the openings in the lock housing. The lock 70 is then secured to the cooperating structure of the lock member and locked in place. The lock is securely within the lock housing 10. To the contrary, the Applicant's lock is for use in an entirely different environment, as described above, in which a portable structure having a base is to be secured either to an adjacent structure such as a post or to the ground. This is accomplished by extending rod member 24 through the legs of the U-shaped member. The rod 24 has a dimension substantially greater than the width of the U-shaped legs and extends outward of both the legs of the U-shaped member so that it can be extended through the adjacent support or base members. Member 24 is then secured in place by tightening fastener 36.

Contrary thereto, the '571 patent, achieves securement by extending the shackle around or through an item or structure such as a wheel and securing the ends of the shackle by using rod 60 which is within the housing. The rod or member 60 is not attached to the protected structure to be secured, but rather is only for the purpose of locking or securing the end of the shackle. Applicant's Claim 13 now specifies the environment in which the Applicant's stabilizer is to be used and, further specifies that the member 24 extends outwardly of the legs and through adjacent structure such as the base members of a portable building.

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Claim 13 further specifies that the U-shaped member is substantially flat.

This is in contrast to the shackle of the '571 patent which has a raised portion.

The overall flat configuration of the Applicant's U-shaped member provides a low profile that will allow the member to rest on the ground surface and not provide a hazard.

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For prior art to anticipate under 35 U.S.C. §102, every element of the claimed invention must be identically disclosed in a single reference.

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Accordingly, the '571 patent is insufficient as a reference under 35 U.S.C. §102 and is further believed inefficient as a reference under 35 U.S.C. §103, for the reasons pointed out above. The reference does not show an apparatus which would be suitable for stabilizing a small building. With Applicant's stabilizer, the elongate rod 24 and not the U-shaped member attaches to the structure to be secured.

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In order to modify the lock shown in Figure 1 of the '571 patent, one would have to eliminate the lock housing 10 and modify the shackle and the rod. Specifically, the rod 70 would have to be increased in length so as to extend through an adjacent structure which is to be secured. Such modifications are inconsistent with the express teachings of the '571 patent, inasmuch as the '571 patent is directed to a specific embodiment, that of a wheel lock.

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Regarding Claims 12 and 13, '602 patent to O'Neal has been cited as disclosing a lock comprising a frame, an attachment member extendable through the frame and is provided with bores for receiving ground stakes.

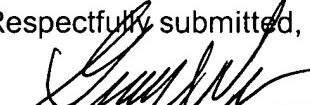
Claim 14, as presented, more particularly defines the structure of Figure 7 as 5 a frame *extending peripherally around the building structure* having an attachment rod which extends through the supporting base for the structure. Claim 13 further recites at least one vertical bore for receiving ground stakes.

There is no suggestion in the '571 patent of a frame as set forth in Applicant's 10 Claim 14. Further, the bores shown in the '571 patent are for selective positioning of the rod or lock member 60. These bores extend transversely or horizontally whereas the bores for receiving ground stakes, such as non-retractable stakes, as set forth in Applicant's Claim 13, are vertical bores. Further, again it would be inconsistent with the design and specific function of the lock of the '571 patent to secure the lock with ground stakes since it is intended for use in wheel environment.

15 A favorable action is respectfully solicited.

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Respectfully submitted,



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